

ULLMAN, FURHMAN & PLATT, P.C.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BERKELEY ACQUISITIONS, LLC,

Plaintiff,

—*against*—

MALLOW, KONSTAM & HAGER, P.C.,

Defendant.

MALLOW, KONSTAM & HAGER, P.C.,

Interpleader Plaintiff,

—*against*—

BALTIMORE PROPERTIES CORP.,
GROVE STREET HOMES, LLC,
BERKELEY ACQUISITIONS, LLC,
MOSHE MEISELS, CHANIE MEISELS,
RIGHT MATCH, LTD., MONROE
ESTATES, LTD., CITY POINT
PROPERTIES, LTD., GILDA ESTATES,
LTD., SIMON TOV PROPERTIES, LTD.,
and PREMIER ESTATES, NY, INC.,

Defendants.

Docket No. 09 Civ. 2319


Docket No. 09 Civ. 3771

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that upon the pleadings and the accompanying Memorandum of Law, defendants Baltimore Properties Corp. and Grove Street Homes, LLC, will move this Honorable Court, at the United States Courthouse, 500 Pearl Street, New York, New

York, at such date and time as may be convenient to the Court, for an Order, pursuant to the Rule 12(b)(1), *Fed.R.Civ.Proc.*, dismissing the complaints herein upon the ground that the Court lacks subject matter jurisdiction thereof, and granting such other, further and different relief as to the Court may seem just and proper.

ULLMAN, FURHMAN & PLATT, P.C.

By: 
Jeffrey D. Ullman
A Member of the Firm


Dated: Morristown, New Jersey
May 6, 2009

TO: Martin Stein, Esq.
Heller, Horowitz & Feit, P.C.
292 Madison Avenue
New York, New York 10017

Benjamin Hager, Esq.
Mallow, Konstam & Hager, P.C.
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New York, New York 10007

AFFIRMATION OF SERVICE

I, JEFFREY D. ULLMAN, an Attorney at Law duly admitted to practice before this Court, hereby affirm, under penalties of perjury, that I served the within Notice of Motion, the supporting Affirmation of Jeffrey D. Ullman, and the accompanying Memorandum of Law upon all parties entitled to such service by filing the same pursuant to the Court's ECF Rules, and by emailing true copies of the same to the attorneys listed above, at the email addresses on file for them with this Court on May 6, 2009


Jeffrey D. Ullman

Dated: Morristown, New Jersey
May 10, 2009